

REGULAR WEEKLY SESSION-----ROANOKE CITY COUNCIL

May 20, 2002

2:00

The Council of the City of Roanoke met in regular session on Monday, May 20, 2002, at 2:00 p.m., the regular meeting hour, in the City Council Chamber, fourth floor, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, Virginia, with Mayor Ralph K. Smith presiding, pursuant to Chapter 2, Administration, Article II, City Council, Section 2-15, Rules of Procedure, Rule 1, Regular Meetings, Code of the City of Roanoke (1979), as amended.

PRESENT: Council Members Linda F. Wyatt, William White, Sr., W. Alvin Hudson, Jr., William H. Carder, William D. Bestpitch, and Mayor Ralph K. Smith-----6.

ABSENT: Council Member C. Nelson Harris-----1.

OFFICERS PRESENT: Darlene L. Burcham, City Manager; William M. Hackworth, City Attorney; Jesse A. Hall, Director of Finance; and Mary F. Parker, City Clerk.

The meeting was opened with a prayer by The Reverend Marion G. Harris, Director, Virginia Evangelizing Fellowship.

The Pledge of Allegiance to the Flag of the United States of America was led by Mayor Ralph K. Smith.

PRESENTATIONS AND ACKNOWLEDGEMENTS:

ACTS OF ACKNOWLEDGEMENT-COMMITTEES-WAR MEMORIAL: Council Member Bestpitch advised that the Roanoke Valley War Memorial Committee has voted to donate \$5,000.00, or almost one half of its surplus, in support of the National D-Day Memorial Foundation's fund raising campaign, with the hopes that its donation will inspire others to keep faith with those who beached the line of Nazi domination in Europe and pointed the way to victory over the Axis powers, as well as with those responsible for building the Memorial to honor this event. Also, he advised that the National D-Day Memorial Foundation is seeking contributions to retire its substantial outstanding debt from construction of the D- Day Memorial.

Mr. Bestpitch offered the following resolution:

(#35871-052002) A RESOLUTION paying tribute to the Roanoke Valley War Memorial Committee for its donation to the National D-Day Memorial.

(For full text of Resolution, see Resolution Book No. 65, page 49.)

Mr. Bestpitch moved the adoption of Resolution No. 35871-052002. The motion was seconded by Mr. Hudson and adopted by the following vote:

AYES: Council Members Wyatt, White, Hudson, Carder, Bestpitch, and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Harris was absent.)

Sloan Hoopes, Chair, Roanoke Valley War Memorial Committee, presented a check, in the amount of \$5,000.00, to representatives of the National D-Day Memorial Foundation.

Council Member Bestpitch advised that a Roanoke native, the late Donald McArthur Young, was one of the victims of the September 11, 2001, attack on the Pentagon. He stated that Mr. Young's widow, Felicia Young of Virginia Beach, Virginia, along with other members of Mr. Young's family, will be in attendance at the Memorial Day Ceremony to be held in Lee Plaza on Monday, May 27, 2002; whereupon, Mr. Bestpitch offered the following resolution memorializing the late Donald McArthur Young, a long time resident of the City of Roanoke:

(#35872-052002) A RESOLUTION memorializing the late Donald McArthur Young, a longtime resident of Roanoke.

(For full text of Resolution, see Resolution Book No. 65, page 50.)

Mr. Bestpitch moved the adoption of Resolution No. 35872-052002. The motion was seconded by Mr. Hudson and adopted by the following vote:

AYES: Council Members Wyatt, White, Hudson, Carder, Bestpitch, and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Harris was absent.)

**ACTS OF ACKNOWLEDGEMENT-COMMITTEES-HOTEL ROANOKE
CONFERENCE CENTER-VIRGINIA TECH: Mr. Hudson offered the following resolution
expressing gratitude to John H. Parrott for his years of service as a Commissioner
of the Hotel Roanoke Conference Center Commission.**

**(#35870-052002) A RESOLUTION expressing gratitude to John H. Parrott for
his years of service to the Hotel Roanoke Conference Center Commission.**

(For full text of Resolution, see Resolution Book No. 65, page 47.)

**Mr. Hudson moved the adoption of Resolution No. 35870-052002. The motion
was seconded by Mr. White and adopted by the following vote:**

**AYES: Council Members Wyatt, White, Hudson, Carder, Bestpitch,
and Mayor Smith-----6.**

NAYS: None-----0.

(Council Member Harris was absent.)

**The Mayor advised that Mr. Parrott has served on the Hotel Roanoke
Conference Center Commission since July 1, 1996, he was elected as Chair on
November 20, 1997, and continued to serve in that capacity until April 2002 when his
term expired. On behalf of the Members of Council, he commended Mr. Parrott, who,
without any financial remuneration or incentive other than his commitment to the
Commonwealth of Virginia, took countless hours away from his construction
consulting firm to review and reform a highly complex rededication plan for the
Conference Center designed by the Commission's engineers and assisted the
Commission's attorneys in their multi-party litigation against those responsible for
the building's defects; and Mr. Parrott's counsel contributed to the Commission's
resounding success in 2001 when its construction litigation climaxed in a large
financial settlement and the Conference Center rededication project concluded
ahead of schedule and under budget.**

**On behalf of the Members of Council, the Mayor presented Mr. Parrott with a
ceremonial copy of the above referenced resolution, with the appreciation of Council
for his years of service.**

**PROCLAMATIONS -FIRE DEPARTMENT- EMERGENCY MEDICAL SERVICES:
The Mayor presented a proclamation declaring the week of May 19-25, 2002, as
Emergency Medical Services Week.**

ACTS OF ACKNOWLEDGEMENT-CLEAN VALLEY COUNCIL: The City Manager introduced Ann Masters, Executive Director, Clean Valley Council, for presentation of an award.

Ms. Masters advised that the Clean Valley Council is an environmental, educational, not-for-profit agency serving all five of the Roanoke Valley municipalities with conservation, preservation, appropriate waste reduction practices, litter prevention and recycling management, and is about to embark on its 25th year of service to the Roanoke Valley. She further advised that the Clean Valley Council receives nominations each year for Clean Valley awards and six awards are given annually for stellar performance for the previous year, covering stewardship and teaching by example. She stated that individual businesses and non profits in local governments are eligible to receive the awards which are unwritten by businesses, individuals and non-profit organizations; whereupon, she presented the highest award for excellence, sponsored by The Kroger Company, to the City of Roanoke Solid Waste Management Department, under the direction of Frank Decker, Operations Superintendent, Solid Waste Collection. She advised that the award is based on the City's program to keep neighborhoods looking cleaner, to make solid waste collection and recycling more efficient and customer friendly, with the goal of improving neighborhood appearance and simplifying residential waste collection by involving citizen participation in a recycling program. She explained that the City of Roanoke also designed a new no call route-based brush and bulk collection system in which items remain on the curb for a shorter period of time, and 10,000 households are now receiving co-mingled recycling collection. She stated that clean up and neighborhood initiative create positive action, change, a power of place and community pride; therefore, for the year 2001, she presented the City of Roanoke Refuse Collection Department with The Kroger Company bench in recognition of the City's achievements for excellence in mission, implementation and spirit.

CONSENT AGENDA

The Mayor advised that all matters listed under the Consent Agenda were considered to be routine by the Members of Council and would be enacted by one motion in the form, or forms, listed on the Consent Agenda, and if discussion was desired, that item would be removed from the Consent Agenda and considered separately.

COMMITTEES- FIFTH PLANNING DISTRICT COMMISSION: A communication from Evelyn S. Lander submitting her resignation as a member of the Roanoke Valley-Alleghany Regional Commission, effective immediately, was before Council.

Mr. Carder moved that the communication be received and filed. The motion was seconded by Mr. Hudson and adopted by the following vote:

AYES: Council Members Wyatt, White, Hudson, Carder, Bestpitch, and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Harris was absent.)

OATHS OF OFFICE-PARKS AND RECREATION-COMMITTEES-HOTEL ROANOKE CONFERENCE CENTER-VIRGINIA TECH: A report of qualification of Darlene L. Burcham as a Commissioner of the Hotel Roanoke Conference Center Commission, for a term ending April 12, 2006; and James C. Hale for a term ending March 31, 2003, Mark S. Lawrence and David Nixon for terms ending March 31, 2004, and Brian M. Shepard for a term ending March 31, 2005, as members of the Parks and Recreation Advisory Board, was before Council.

Mr. Carder moved that the report of qualification be received and filed.. The motion was seconded by Mr. Hudson and adopted by the following vote:

AYES: Council Members Wyatt, White, Hudson, Carder, Bestpitch, and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Harris was absent.)

REGULAR AGENDA

PUBLIC HEARINGS: NONE.

PETITIONS AND COMMUNICATIONS: NONE.

REPORTS OF OFFICERS:

CITY MANAGER:

BRIEFINGS: NONE.

ITEMS RECOMMENDED FOR ACTION:

WATER RESOURCES-EQUIPMENT: The City Manager submitted a communication advising that Mid Eastern Builders, Inc., was awarded a contract in the amount of \$4,477,000.00 at the October 1, 2001, meeting of Council for building construction and equipment installation at the Crystal Spring Water Treatment (Filtration) Plant, as defined in contract documents prepared by Wiley & Wilson, Inc.; Change Order No. 1 was administratively approved in the amount of \$14,902.00, for a total contract amount of \$4,491,902.00; Change Order No. 2 provides for relocation of the raw water pump manhole and strainer box (\$111,033.00), addition of a sink and cabinets in the control room (\$11,136.00), and credits for reduced quantities of driven piles (-\$13,953.00); total cost value of Change Order No. 2 is \$108,216.00, with a contract time extension of two days; and the construction administration consultant, Construction Dynamics Group, Inc., recommends approval of Change Order No. 2.

Summary of Changes:

Contract Amount	\$4,477,000.00
Change Order No. 1	14,902.00
Proposed Change Order No. 2	<u>108,216.00</u>
Total	<u>\$4,600,118.00</u>

The City Manager recommended that she be authorized to execute Change Order No. 2, in the amount of \$108,216.00 and two additional days of contract time, to the contract with Mid Eastern Builders, Inc.

Mr. Carder offered the following emergency ordinance:

(#35873-052002) AN ORDINANCE authorizing the City Manager's issuance of Change Order No. 2 to the City's contract with Mid Eastern Builders, Inc., for the relocation of the raw water pump manhole and strainer box, modifications to three restrooms for ADA compliance, and credits for reduced quantities of driver piles in connection with the Crystal Spring Water Treatment (Filtration) Plant Project; and providing for an emergency.

(For full text of Ordinance, see Ordinance Book No. 65, page 52.)

Mr. Carder moved the adoption of Ordinance No. 35873-052002. The motion was seconded by Ms. Wyatt and adopted by the following vote:

AYES: Council Members Wyatt, White, Hudson, Carder, Bestpitch, and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Harris was absent.)

FLEET MAINTENANCE FUND-EQUIPMENT: The City Manager submitted a communication advising that the need to evaluate contracting for operation of the Fleet Parts Warehouse was identified by the City's Fleet Management Division; proposals were requested and after due and proper advertisement, one response was received from NAPA Auto Parts; a cost analysis of the NAPA Auto Parts proposal indicated that contracting operation on the Fleet Warehouse would not result in any cost savings, but would result in an incremental cost of approximately \$32,300.00; contracting for operation of the Fleet Management function is being considered, and management of the Parts Warehouse would be a part of the scope of services to ensure control; and it is the intent of the City Administration to not foreclose any opportunities with respect to contracting for operation of the Fleet Management function.

The City Manager recommended that Council reject the proposal of NAPA Auto Parts for turnkey parts operation in the Fleet Management Division.

Mr. Carder offered the following resolution:

(#35874-052002) A RESOLUTION rejecting the proposal for Turnkey Parts Operation for the City's Fleet Division.

(For full text of Resolution, see Resolution Book No. 65, page 53.)

Mr. Carder moved the adoption of Resolution No. 35874-052002. The motion was seconded by Mr. Hudson and adopted by the following vote:

AYES: Council Members Wyatt, White, Hudson, Carder, Bestpitch, and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Harris was absent.)

CITIZEN SURVEY-PROCUREMENT CODE: The City Manager submitted a communication advising that as part of its commitment to service excellence for all citizens, in the year 2000 the City of Roanoke began contracting with an outside vendor to conduct an annual citizen survey; the City wishes to continue the survey

process and desires the opportunity to enter into a contractual agreement with a qualified firm or independent professional specializing in telephone survey services; the successful offeror shall provide assistance to the City by conducting surveys to receive public input in order to improve City services and to help guide the use of City resources; and it is the City's intent to award a one-year contract, with the option to renew under the same terms and conditions for two additional years, subject to funding availability.

It was further advised that although the sealed bid method of procurement would normally be used, it is not practicable or fiscally advantageous to the public in procuring the above service; the experience, qualifications, and references of individuals or firms that can provide the above referenced services are of equal, if not greater, importance than the cost; therefore, the process of competitive negotiation using the request for proposal has been identified as the best method for procurement of the services; the City Code provides, as an alternate method of procurement to using the bid process, a process identified as "competitive negotiation", which requires prior approval by Council before the alternate method may be used; and this method will allow for negotiations with two or more providers to determine the best qualified at the most competitive price or rate.

The City Manager recommended that Council authorize the use of competitive negotiation as the method to secure vendors to provide appropriate services as above described.

Mr. Carder offered the following resolution:

(#35875-052002) A RESOLUTION designating the procurement method known as competitive negotiation, rather than the procurement method known as competitive sealed bidding, to be used for the procurement of telephone survey services to conduct an annual citizen survey; and documenting the basis for this determination.

(For full text of Resolution, see Resolution Book No. 65, page 53.)

Mr. Carder moved the adoption of Resolution No. 35875-052002. The motion was seconded by Mr. Hudson and adopted by the following vote:

AYES: Council Members Wyatt, White, Hudson, Carder, Bestpitch, and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Harris was absent.)

TRAFFIC-STREETS AND ALLEYS-OUTDOOR DINING: The City Manager submitted a communication advising that Council at its meeting on April 1, 2002, adopted an ordinance to amend the conditions for outdoor dining on public property and within the public right-of-way; and regulations for the outdoor dining program make available the use of certain streets between 6:30 p.m. and 3:00 a.m. on Market Street, S. E. from Salem Avenue, S. E. to Church Avenue, S. E. (including the Market Square area south of Campbell Avenue, S. E.) as well as Wall Street, S. E. from Salem Avenue, S. E. to Campbell Avenue, S. E.

It was further advised that closure of the streets to vehicular and pedestrian passage during certain hours of the day on a frequent basis for an extended period of time requires authorization of Council; and in anticipation that some restaurateurs will soon apply for outdoor dining permits to include street areas, it would help to expedite the approval process if Council approved an ordinance closing to vehicular and pedestrian use the above identified streets during specified hours and under certain circumstances.

The City Manager recommended that Council adopt an ordinance declaring that Market Street, S. E., from Salem Avenue, S. E. to Church Avenue, S. E. (including the Market Square area south of Campbell Avenue, S. E.), as well as Wall Street, S. E. from Salem Avenue, S. E. to Campbell Avenue, S. E. will be closed to the public as a right-of-way for vehicular and pedestrian traffic from 6:30 p.m. to 3:00 a.m., if the street, or any portion thereof, is subject to an outdoor dining permit issued by the City Manager, pursuant to Section 30-9.1, Code of the City of Roanoke, (1979) as amended.

Mr. Carder offered the following ordinance:

(#35876-052002) AN ORDINANCE authorizing the temporary closure, as needed, by barricade of certain public rights-of-ways for outdoor dining in the City of Roanoke, Virginia, as is more particularly described hereinafter; and dispensing with the second reading of this ordinance by title.

(For full text of Ordinance, see Ordinance Book No. 65, page 55.)

Mr. Carder moved the adoption of Ordinance No. 35876-052002. The motion was seconded by Mr. Bestpitch and adopted by the following vote:

AYES: Council Members Wyatt, White, Hudson, Carder, Bestpitch, and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Harris was absent.)

CITY PROPERTY-WATER RESOURCES: The City Manager submitted a communication advising that in January, 2001, the City finalized the drilling and testing of a well on the Muse Spring property, Official Tax No. 4360601, located at the intersection of Mount Pleasant Boulevard and Riverland Road, S.E., which well was a result of the groundwater development project initiated during the 1999 drought; final phases of using the well as a water supply were put on hold pending completion of the Crystal Spring Treatment Plant and evaluation of the impact of I-73 construction passing near the well site; on February 4, 2002, Council declared that a water supply emergency existed and the use of this water supply was revisited; and the Virginia Department of Health (Health Department) has given its approval to place the Muse Spring well into service through use of temporary equipment, pending certification of final construction plans.

It was further advised that the Health Department requires that the City dedicate the portion of the parcel that the well site occupies; to establish the area for water supply use only; an area 200' by 200' feet, centered on the well, needs to be dedicated for this purpose; the Health Department has agreed to permit construction of the facilities required to operate the well site, however, the Health Department will not give final approval to use the water until the site is surveyed and platted; and the Water Division has initiated the process as of April 26, 2002, for possible completion in approximately three weeks.

The City Manager recommended that Council approve dedication of the portion of real estate of the Muse Spring property that will be used as a well site for a water supply system for the City, and authorize the City Manager to execute a well dedication document and to take such further actions and to execute such additional documents as may be necessary to obtain approval by the Health Department.

Mr. Carder offered the following emergency ordinance:

(#35877-052002) AN ORDINANCE authorizing the City Manager to execute a Well Dedication Agreement and any related and necessary documents providing for the dedication of a portion of certain City owned property located at the intersection of Mount Pleasant Boulevard and Riverland Road, S. E., containing an area approximately 200 by 200 feet and being a portion of Official Tax Map No. 4360601, upon certain terms and conditions; and providing for an emergency.

(For full text of Ordinance, see Ordinance Book No. 65, page 56.)

Mr. Carder moved the adoption of Ordinance No. 35877-052002. The motion was seconded by Mr. Hudson and adopted by the following vote:

AYES: Council Members Wyatt, White, Hudson, Carder, Bestpitch, and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Harris was absent.)

BUDGET-GRANTS-TREES: The City Manager submitted a communication advising that in March, 2002, Urban Forestry staff at the Department of Parks and Recreation applied for a \$15,000.00 grant from the Urban and Community Forestry program at the Virginia Department of Forestry to be used for the purpose of preparing an Urban Forestry Plan; and on April 17, 2002, the City received a letter from the Virginia Department of Forestry stating that the \$15,000.00 grant will be awarded as soon as paperwork to activate the grant is provided by the City.

It was further advised that the project is needed in order to devise a systematic method of managing the City's urban forest to the maximum benefit of the community and the environment and to allow citizens to participate in the planning process; the City's Urban Forester has presented information to Council indicating a decrease in tree canopy cover from 40 per cent in 1973 to 35 per cent in 1997; and with the current tree planting budget (for trees maintained by the City on streets and in parks), there is a net loss of approximately 50 trees each year.

It was explained that the Urban and Community Forestry Grant is a Federal grant, sponsored by the U. S. Forest Service and administered by the Virginia Department of Forestry; funds are awarded on a reimbursement basis after verification of the 50 per cent local match; the required \$15,000.00 in City matching funds will include \$7,432.00 in FY 2002 temporary wages for an Urban Forestry Planner, \$4,400.00 in staff time provided by the Urban Forester and \$800.00 in staff time from cooperating departments, such as Public Works and Planning and Code Enforcement; and time spent by Task Force members on the project will count as the remainder of the match at the grantor's approved rate of \$15.39 per volunteer hour.

It was noted that major elements of the Urban Forestry Plan will include an assessment of trees along streets and in parks, a review of tree management practices, prioritization of criteria for tree planting projects, urban forestry goals, recommendations (including education and incentives for better management of trees on private property), and an implementation strategy; and coordination is underway with other City departments (such as Engineering, Planning, and Public Works) in regard to several plan elements.

The City Manager recommended that Council accept the Urban and Community Forestry Grant, in the amount of \$15,000.00, and authorize the City Manager to execute an agreement with the Virginia Department of Forestry and any other forms necessary to accept such grant, to be approved as to form by the City Attorney; appropriate \$15,000.00 in Federal funding to accounts to be established in the Grant Fund by the Director of Finance and establish corresponding revenue estimates in the Grant Fund.

Mr. Bestpitch offered the following emergency budget ordinance:

(#35878-052002) AN ORDINANCE to amend and reordain certain sections of the 2001-2002 Grant Fund Appropriations, and providing for an emergency.

(For full text of Ordinance, see Ordinance Book No. 65, page 58.)

Mr. Bestpitch moved the adoption of Ordinance No. 35878-052002. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members Wyatt, White, Hudson, Carder, Bestpitch, and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Harris was absent.)

Mr. Bestpitch offered the following resolution:

(#35879-052002) A RESOLUTION accepting the Urban and Community Forestry Grant from the Virginia Department of Forestry, and authorizing the execution of the necessary documents.

(For full text of Resolution, see Resolution Book No. 65, page 59.)

Mr. Bestpitch moved the adoption of Resolution No. 35879-052002. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members Wyatt, White, Hudson, Carder, Bestpitch, and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Harris was absent.)

CITY CODE-CITY EMPLOYEES-PENSIONS: The City Manager and the Director of Finance submitted a joint communication advising that Internal Revenue Service Regulations (IRS) require that all qualified Pension Plans be amended to include revisions made to the Internal Revenue Code (IRC) over the past several years; amended Plans must be submitted for an updated IRS Determination Letter by June 30, 2002; and the IRS Determination Letter provides a statement that the Plan has been reviewed by the IRS and determined to be in compliance with all applicable IRC provisions governing qualified retirement plans.

It was further advised that the Plan has evolved over the years to provide for administration of three retirement systems: the original police and fire system, the Employees' Retirement System (ERS), and the Employees' Supplemental Retirement System (ESRS), which amended and restated the ERS in 1984; numerous amendments and additions have been made to Chapter 22.1 of the City Code to incorporate various Plan revisions through the years; and the required IRS amendment has provided an opportunity to restate the Plan to improve its organization, as well as to increase both ease of understanding and administration.

It was noted that as outlined at the City Council briefing on May 6, 2002, restated Chapter 22.2 addresses issues relative to the Plan's evolution into a multiple employer plan encompassing three retirement systems; it provides significant administrative clarification and flexibility, is in compliance with all required IRS regulations, and includes no changes in benefits as existed prior to the Plan's amendment and restatement; and the required IRS Determination Letter filing deadline is June 30, 2002.

The City Manager and the Director of Finance recommended that Council adopt an ordinance repealing Chapter 22.1, Pensions and Retirement, and enacting new Chapter 22.2, Pensions and Retirement, such new chapter recodifying the City's pension systems.

Mr. Hudson offered the following ordinance:

(#35880-052002) AN ORDINANCE amending the Code of the City of Roanoke (1979), as amended, by repealing Chapter 22.1, Pension and Retirement, consisting of §§22.1-1 through 22.1-82, and enacting new Chapter 22.2, Pension and Retirement, consisting of §§22.2-1 through §§22.2-75, such new Chapter consolidating, reorganizing, and recodifying pension systems of the City, specifically: Police and Fire System, the Employees' Retirement System and the Employees' Supplemental Retirement System; providing for an effective date; and dispensing with the second reading of this ordinance by title.

(For full text of Ordinance, see Ordinance Book No. 65, page 59.)

Mr. Hudson moved the adoption of Ordinance No. 35880-052002. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members Wyatt, White, Hudson, Carder, Bestpitch, and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Harris was absent.)

PUBLIC WORKS-ENVIRONMENTAL POLICY: The City Manager submitted a communication advising that the City of Roanoke has been working with the Virginia Department of Environmental Quality (VDEQ) to appropriately remediate the area of the Middle Lot at the Public Works Service Center, in accordance with a Consent Order dated March 21, 2000; two areas of the property, Unit Number 1 and Unit Number 2, are under consideration; Unit Number 2 contains approximately 0.26 acre; and in order to complete work and obtain VDEQ closure of the site, the VDEQ has requested that the City of Roanoke limit future uses of Unit Number 2 to industrial uses through a Notice of Use Limitation that will be recorded in the City of Roanoke Circuit Court Clerk's Office.

It was further advised that the restriction allows the use of Unit Number 2 for construction and grading of a stadium/amphitheater and parking area; it also allows other uses which must meet the following requirements: that in the opinion of an independent Registered Professional Engineer and with the approval of the VDEQ, such other uses shall present no greater risk of harm to health, safety, public welfare or the environment than the stadium/amphitheater or parking area uses; additional restrictions, which will require consultation with VDEQ, would apply if Unit Number 2 might be used for purposes other than those set forth above; however, uses that are listed as not allowed by the restriction are construction and occupancy of residences, playgrounds, childcare centers or public gardens.

The City Manager recommended that she be authorized to execute and record a Notice of Use Limitation and any related and necessary documents, upon certain terms and conditions as required by the Virginia Department of Environmental Quality and to take such further action and to execute such other documents as may be necessary to obtain VDEQ approval for the closure plan for said property.

Mr. Carder offered the following emergency ordinance:

(#35881-052002) AN ORDINANCE authorizing the City Manager to execute a Notice of Use Limitation and any related and necessary documents regarding a portion of City owned property located at 1802 Courtland Road, N. E., containing approximately 0.260 acre, and being a portion of Official Tax Map No. 3070316, upon certain terms and conditions; and providing for an emergency.

(For full text of Ordinance, see Ordinance Book No. 65, page 113.)

Mr. Carder moved the adoption of Ordinance No. 35881-052002. The motion was seconded by Mr. Bestpitch and adopted by the following vote:

AYES: Council Members Wyatt, White, Hudson, Carder, Bestpitch, and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Harris was absent.)

TRAFFIC-CITY CODE-FEE COMPENDIUM: The City Manager submitted a communication advising that on May 13, 2002, Council approved an increase in the late payment penalty for certain parking tickets from \$10.00 to \$15.00; the late payment penalty is added to violations paid ten days or more after issuance of the notice of violation, as recommended by the Department of Billings and Collections; and late payments of decal violations and current fee for decal violations is \$43.00, with a fee of \$53.00 imposed if payment is not made within ten days of issuance of notice of violation.

It was further advised that late payment penalties should be consistent for all late payments; after further review, it was noted that the decal violation late payment penalty had not been increased from \$10.00 to \$15.00; and to make the late payment penalties consistent, the decal violation fee would be \$58.00 rather than \$53.00 if payment is not made within ten days.

The City Manager recommend that Council adopt an ordinance amending the City Code to reflect changes in the late payment penalty as above referenced.

Mr. Carder offered the following emergency ordinance:

(#35882-052002) AN ORDINANCE amending and reordaining subsection (e) of §20-33.1, Same-Requirements; obtaining license plate, tag or decal a condition precedent to discharge of violation, of the Code of the City of Roanoke (1979), as amended, the amended section to provide for the increase of certain penalties for decal violations within the City of Roanoke; and providing for an emergency and for an effective date.

(For full text of Ordinance, see Ordinance Book No. 65, page 114.)

Mr. Carder moved the adoption of Ordinance No. 35882-052002. The motion was seconded by Mr. Bestpitch and adopted by the following vote:

AYES: Council Members Wyatt, White, Hudson, Carder, Bestpitch, and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Harris was absent).

REPORTS OF COMMITTEES:

BUDGET- SCHOOLS: A communication from the Roanoke City School Board requesting appropriation of the following:

- \$752,295.00 from the Capital Maintenance and Equipment Replacement Fund. The monies will be used for replacement of obsolete instructional technology equipment, Magnet School technology equipment, replacement of school buses, replacement of facility maintenance equipment, replacement of School Plants vehicles, construction of the Blue Ridge Technical Academy Bio-Medical laboratory, and replacement of food services equipment at various schools.
- \$199,191.00 for the Fleming-Ruffner Community Learning Center, which is a continuing program that will be one hundred per cent reimbursed by Federal funds.
- \$5,400.00 for the Statewide Compulsory Attendance Law Workshop which is a new grant to be funded with Federal funds.
- \$6,395,000.00 for improvements to Roanoke Academy for Mathematics and Science; and improvements are funded with 1999 Bond funds, a Literary Fund loan, and City capital funds.
- \$1,276,260.00 for improvements to Roanoke Academy for Mathematics and Science; funding is being provided by Qualified Zone Academy Bond (QZAB) funds and will be used to purchase furniture and equipment for the facility.
- \$163,671.00 for the Title I Summer program to provide remedial reading, language arts and mathematics instruction for students in targeted schools, to be one hundred per cent reimbursed by Federal funds.

- **\$7,700.00 for the Roanoke Adolescent Health Partnership to provide for medical services to the Schools in conjunction with the City of Roanoke Health Department and Carilion Health Systems, to be reimbursed by donations from Carilion Health Services and various grants.**
- **\$90,000.00 for the Juvenile Detention Home program to provide funds for the salary and expenses of six educational coordinators and the principal position, which will be one hundred per cent reimbursed by State funds.**
- **\$35,671.00 for the Adult Basic Education program to provide funds for the education of adults who have not completed high school, which will be reimbursed by Federal funds; and matching funds of \$22,700.00 have been provided.**
- **\$4,000.00 for the Regional Education Specialist program to provide ancillary and support services for the Adult Literacy and Basic Education program in the planning district, to be funded with member fees.**
- **\$40,639.00 for the Regional Adult Literacy program to provide funds for administration of adult literacy programs, which will be funded with Federal funds.**
- **\$16,647.00 for the Regional Adult Basic Education program to provide funds for administration of adult literacy programs, which will be funded with Federal funds.**

A report of the Director of Finance recommending that Council concur in the request, was before the body.

Mr. Hudson offered the following emergency budget ordinance:

(#35883-052002) AN ORDINANCE to amend and reordain certain sections of the 2001-2002 General, School, and School Food Services Fund Appropriations, and providing for an emergency.

(For full text of Ordinance, see Ordinance Book No. 65, page 116.)

Mr. Hudson moved the adoption of Ordinance No. 35883-052002. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members Wyatt, White, Hudson, Carder, Bestpitch, and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Harris was absent.)

UNFINISHED BUSINESS:

COMPREHENSIVE PLAN- COMMUNITY PLANNING- DOWNTOWN ROANOKE, INCORPORATED: A communication from the City Manager advising that amendment to the Comprehensive Plan to include the Outlook Roanoke Plan, was tabled by Council at its meeting on February 12, 2002; whereupon, she requested that the matter be removed from the table.

Mr. Carder moved that the matter be removed from the table. The motion was seconded by Mr. Bestpitch and adopted.

A communication from Downtown Roanoke, Inc., in support of adoption of the Outlook Roanoke Update, dated September 2001, was before Council.

Mr. Carder offered the following resolution:

(#35884-052002) A RESOLUTION amending Vision 2001-2020, the City's adopted comprehensive plan, to include Outlook Roanoke Update as an element of the comprehensive plan.

(For full text of Resolution, see Resolution Book No. 65, page 121.)

Mr. Carder moved the adoption of Resolution No. 35884-052002. The motion was seconded by Mr. Hudson.

Ms. Wyatt requested that the record reflect that she is not in favor of making the First Street Bridge a vehicular bridge, instead the First Street Bridge should remain a pedestrian bridge; however, in the spirit of cooperation, she will vote in support of the Outlook Roanoke Plan as a part of the City's Comprehensive Plan.

Mr. White concurred in the remarks of Ms. Wyatt.

Resolution No. 35884-052002 was adopted by the following vote:

AYES: Council Members Wyatt, White, Hudson, Carder, Bestpitch, and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Harris was absent.)

ZONING: Ordinance No. 35818, on second reading, amending, repealing or replacing proffered conditions authorized by Ordinance No. 32294-121994 presently binding upon Official Tax No. 2761409, rezoning Official Tax No. 2761409 from RS-3, Residential Single Family, Low Density District, and C-2, General Commercial District, to C-2, General Commercial District, subject to certain conditions proffered by the applicant; and rezoning Official Tax No. 2761421 from RS-3, Residential Single-Family, Low Density District, to C-2, General Commercial District, subject to certain conditions proffered by the petitioner, having been tabled at the May 6, 2002, meeting of Council, the matter was before the body.

Mr. Carder moved that the item be removed from the table. The motion was seconded by Mr. Bestpitch and adopted.

Mr. Carder offered the following ordinance for its second reading and final adoption:

(#35818) AN ORDINANCE to amend §36.1-3, Code of the City Roanoke (1979), as amended, and Sheet No. 276, Sectional 1976 Zone Map, City of Roanoke, in order to amend, repeal or replace certain proffered conditions, accepted by City Council by Ordinance No. 32294-121994, presently binding upon Official Tax No. 2761409, and rezoning such Official Tax No. 2761409, from RS-3, Residential Single Family, Low Density District, and C-2, General Commercial District, to C-2, General Commercial District, subject to certain conditions proffered by the applicant; and rezoning Official Tax No. 2761421 from RS-3, Residential Single Family, Low Density District, to C-2 General Commercial District, subject to certain conditions proffered by the applicant.

Mr. Carder moved the adoption of Ordinance No. 35818. The motion was seconded by Mr. Hudson.

Vice-Mayor Carder advised that he recently met with Mr. Wells and reviewed the original application for rezoning, at which time it was discovered that there is a mistake in the Official Tax Number which does not match with the original application; therefore, the ordinance before Council is incorrect.

Mr. Carder offered a substitute motion that the matter be referred back to the City Planning Commission for clarification and further report to Council. The motion was seconded by Mr. Hudson.

In explanation, the City Attorney advised that there are three different descriptions of the property to be rezoned and expressed concern that the City Planning Commission and City Planners may not have referenced the same property in the recommendation to Council that the applicant intended to rezone. He stated that a correct description of the property is necessary for inclusion in the ordinance

to provide for a clear and concise understanding of the property to be rezoned. He joined in the request that the matter be remanded back to the City Planning Commission to enable the applicant and the City Planning Department to arrive at a correct definition of the property to be rezoned.

Mr. Bestpitch advised that it is regrettable that there has been an error in the property description; however, Council is familiar with Mr. Wells request, the location of the property, and Mr. Wells future plans; therefore, he did not understand the point in referring the matter back to the City Planning Commission if there are not sufficient votes from the Council to support the request. He stated that further incursion of Mr. Wells current facility is too much for the neighborhood, and regardless of whether the tax numbers are clarified, he would not vote to support the request. He advised that he was not in favor of asking the City Planning Commission to expend extra time and effort on a request that he does not intend to support, and would hope that Council will vote against referring the matter back to the Planning Commission.

The substitute motion to refer the matter back to the City Planning Commission lost by the following vote:

AYES: Council Members Carder, Hudson and Mayor Smith-----3.

NAYS: Council Members Wyatt, White and Bestpitch-----3.

(Council Member Harris was absent.)

The City Attorney offered a suggestion that the matter be tabled indefinitely by Council which would allow the applicant to refile the application with a corrected description. He explained that the matter would again be considered by the City Planning Commission since the property was not properly advertised with a correct legal description.

Ms. Wyatt questioned the chain of events that brought the process to this point only to discover that there were errors in the legal description of the property. She advised that to table the matter at this time and to place the community in a quandary is not the proper thing to do, and she does not intend to vote for further encroachment into the neighborhood. She spoke against referring the matter back to the City Planning Commission because it is a disrespect to residents of the area when they must repeatedly take time out of their schedule to attend meetings of the City Planning Commission and City Council in order to protect their neighborhood.

The question was raised as to the consequence if the ordinance, as drafted, is defeated; whereupon, the City Attorney advised that the ordinance is based upon the application filed by the petitioner, therefore, whatever the petitioner applied for would be denied. He explained that any rezoning that has been denied by Council cannot be reconsidered for one year, unless the position is taken that the

description of the property has changed, in which case the applicant could refile. He reiterated that the description as contained in the ordinance before Council is inaccurate.

The Mayor spoke in support of clarifying the property description without having to go back to the City Planning Commission, and that Council Members cast their votes accordingly so as to eliminate any inconvenience to Mr. Wells and to residents of the area.

There was further discussion as to how Council could legally vote on a measure that is technically incorrect; whereupon, the City Attorney recommended that Council either table the matter, or refer the request back to the City Planning Commission to revise the legal description of the property.

Mr. Hudson offered a substitute motion that the matter be tabled. The motion was seconded by Mr. Carder and adopted, Council Members White and Wyatt voting no.

Following further discussion, Ms. Wyatt moved that the matter be removed from the table. The motion was seconded by Mr. Carder and adopted.

Ms. Wyatt moved that the matter be referred back to the City Planning Commission for proper description of the property and report to Council. The motion was seconded by Mr. Carder and adopted.

Ms. Wyatt requested that property owners in the area receive timely notification of City Planning Commission/City Council meetings regarding the matter.

INTRODUCTION AND CONSIDERATION OF ORDINANCES AND RESOLUTIONS: None.

MOTIONS AND MISCELLANEOUS BUSINESS:

INQUIRIES AND/OR COMMENTS BY THE MAYOR AND MEMBERS OF COUNCIL:

JAMISON/BULLITT PROJECT-HOUSING AUTHORITY: Vice-Mayor Carder called attention to a meeting that was held on Thursday, May 16, 2002 at Belmont Christian Church in which City staff previewed the Bullitt/Jamison Pilot Project, which was attended by approximately 100 residents from the southeast section of the City. He stated that the scope of the Bullitt/Jamison Pilot project is exciting, representatives from numerous City departments were in attendance, and the southeast neighborhood is excited about serving as the pilot project. He expressed appreciation to the City Manager for involving citizens in the process.

TAXES-LEGISLATION: Vice-Mayor Carder referred to the issue of land value taxation, the premise of which is that the value of real property lies in the land and not in improvements to the land, and in view of the fact that the State basically cut most of the funds for revitalizing urban areas, site value taxation is worth looking into by the City of Roanoke. He explained that the concept is that the value of the land is the most important thing, therefore, persons with vacant lots are incited to develop empty lots, and the concept also incites infill building and construction versus speculation that land values will increase in the future. He asked that the matter be referred to a committee to be composed of Council representatives, the Director of Real Estate Valuation, persons from the business community, and the Director of Finance to review the impact of land value taxation.

GENERAL SERVICES LEGISLATION-PROCUREMENT CODE: Vice-Mayor Carder called attention to meetings with business owners who expressed concern regarding the process in which the City awards contracts for services and products; and one specific business indicated that it lost a \$500,000.00 contract by two cents to a company in the State of Michigan to supply the City with waste water chemicals. He pointed out that when looking at economic development dollars, \$500,000.00 represents \$2.5 million out of the City's local economy, as well as the loss of revenue to a local company. He requested that the matter be referred to the Legislative Committee, and that the City Manager appoint a committee to review enabling legislation that would allow the City to place some type of priority on local businesses in the City's bidding or request for proposals process.

Council Members Wyatt and White spoke in support of the concept; however, before appointing a committee, they suggested that the matter be referred to the City Attorney to address the legality.

WATER RESOURCES-STATE HIGHWAYS: Council Member Bestpitch commended the City Manager for adding information to the City's web-site regarding the rain barrel option for collecting rain water as it drains from the roof of residential housing units. He stated that there are four companies, one of which is located in the local area, that will design a system for collecting rain water.

Council Member Bestpitch advised that he attended a briefing on Wednesday, May 15, 2002, at the Salem District Office of the Virginia Department of Transportation (VDOT) with regard to changes in the Six Year Program by VDOT; and the new Commissioner of Highways participated in the meeting via video conference from Richmond to the nine district offices throughout the state. He stated that Six Year Program goals have been reviewed to ensure that VDOT uses more realistic revenue projections, i.e.: that the actual amount of money that can realistically be expected to be received over the next six years be projected, that more realistic cost estimates be used and that projects be paid off in the year of completion, (allocations should match the schedule for projects, and removal of those projects that have no foreseeable source of funding within the next six years). He explained that the amount of funding for the Six Year Plan has been reduced by

approximately one-third, or \$2.9 billion less in this years' Six Year Plan than in last years' plan, which removes 179 projects throughout the State from the Six Year Program. He noted that this does not mean that the 179 projects will not continue to be considered and perhaps added back into future Six Year Programs, but the projects are not currently in the Six Year Program. He stated that about one-third of the \$2.9 billion represents revised cost estimates in the amount of \$950 million (projects that are currently under construction in which VDOT believes that the cost estimates are \$950 million less than the actual cost of the projects). He noted that of particular significance to the City of Roanoke is the removal of the bridge from 13th Street, S. E., to Hollins Road, N. E., which project has been in the VDOT plan for longer than six years, but has not been built and is a good example of what the new Commissioner is attempting to move toward. In total, from the Roanoke Metropolitan Area, he advised that \$529 million in projects have been removed, or moved back from the construction to the development phase. He stated that the question was asked as to whether the Six Year Program now includes any support for the TransDominion Express Rail Passenger service, to which VDOT responded that it is committed to passenger service by rail, but there are no funds included in the Six Year Program.

CITY COUNCIL: Council Member Hudson inquired about the status of photographs of former Mayors which were previously on display in the City Council Chamber, and asked that the photographs be appropriately displayed.

CITY MANAGER COMMENTS:

CITY MANAGER-SPECIAL EVENTS: The City Manager commended the Local Colors Festival, which was held on Sunday, May 19, 2002, that celebrated the diversity of cultures represented in the Roanoke Valley.

HEARING OF CITIZENS UPON PUBLIC MATTERS: The Mayor advised that Council sets this time as a priority for citizens to be heard; it is also a time for informal dialogue between Council Members and citizens; and matters requiring referral to the City Manager will be referred immediately for any necessary and appropriate response, recommendation or report to Council.

There were no requests by citizens to speak.

At 3:50 p.m., the Mayor declared the Council meeting in recess to be reconvened at 7:00 p.m. in the City Council Chamber.

At 7:00 p.m., on Monday, May 20, 2002, the regular meeting of City Council reconvened in the Roanoke City Council Chamber, fourth floor, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, with the following Council Members in attendance, Mayor Smith presiding.

PRESENT: Council Members Linda F. Wyatt, William White, Sr., W. Alvin Hudson, Jr., William H. Carder, William D. Bestpitch and Mayor Ralph K. Smith-----6.

ABSENT: Council Member C. Nelson Harris -----1.

OFFICERS PRESENT: Darlene L. Burcham, City Manager; William M. Hackworth, City Attorney; Jesse A. Hall, Director of Finance; and Mary F. Parker, City Clerk.

The reconvened meeting was opened with a prayer by Council Member William D. Bestpitch.

The Pledge of Allegiance to the Flag of the United States of America was led by Mayor Smith.

PUBLIC HEARINGS:

PARKS AND RECREATION-LEASES- GOLF PROGRAM: Pursuant to notice of advertisement for bids for lease of East Gate Park for construction, maintenance and operation of a golf facility for use by the general public, the matter was before Council.

The Mayor advised that bids were to be received in the City Clerk's Office until 12:00 noon on Monday, May 20, 2002, and to be held by the City Clerk, unopened, until the 7:00 p.m. session of the Council, at which time the bids would be opened and read before the Council. He inquired if there was any person in attendance who had a question or objection to the opening of the bids. Hearing none, the Mayor instructed the City Clerk to proceed with the opening and reading of the bids.

The City Clerk reported that one bid had been received prior to the deadline from The Scott Robertson Memorial Fund.

In connection with the opening of bids, the Mayor advised that a public hearing was advertised in The Roanoke Times on May 5, 2002 and May 12, 2002, with regard to the lease of certain property in East Gate Park for construction, maintenance and operation of a golf facility for use by the general public, subject to certain terms and conditions, for Monday, May 20, 2002, at 7:00 p.m., on as soon thereafter as the matter may be heard, the matter was before the body.

The City Planning Commission submitted a written report finding that the proposal for a golf facility, including the First Tee Junior Golf Program, is substantially in accord with the City's Comprehensive Plan.

A report of the City Manager advising that East Gate Park, located on North Avenue, N. E., between 13th Street and Tinker Creek is composed of approximately 59 acres; park amenities include a playground, shelter with restroom and one-half

basketball court; and the Parks and Recreation Master Plan does not identify any additional public investment in the park because of the challenges of locating recreational facilities on a landfill, since athletic fields cannot be installed due to lighting requirements which would require disturbing the landfill, was before Council.

It was further advised that The Scott Robertson Memorial Fund is a charitable organization that has conducted annual golf tournaments, summer golf camps and scholarships to area youth and is ready to embark on a project that will introduce golf and mentoring opportunities to youth, while creating a public golf facility; in order to accomplish its goal; the Memorial Fund is working with the First Tee Program which is a 501 (c) (3) corporation that helps create affordable and accessible golf facilities through its local chapters, and has requested a 15 year lease of an approximately 29 acre portion of East Gate Park to implement a First Tee Golf Program; the partnership will provide recreational opportunities, which are not currently offered, to a wide spectrum of Roanoke's citizens of all ages; and the main objective of the First Tee Program is to provide youth with a learning opportunity.

The City Manager explained that East Gate Park is ideally suited for this endeavor; existing park amenities and 30 acres of the Park will remain after leasing and will continue to serve neighbors and visitors as a neighborhood park for recreational opportunities outside of golf; this effort will be the City's first in the redevelopment of a known landfill; because of this relatively unfamiliar process, great care will be taken to see that the development, architectural, and engineering plans and construction are completed with heightened awareness of environmental impacts; as a local chapter responsibility, The Scott Robertson Memorial Fund is actively considering professional services firms, many of which have extensive experience in designing and constructing golf facilities on existing landfill sites; and the Memorial Fund has agreed to assist the City in securing environmental consultation and legal services if the need should arise.

The City Manager advised that this opportunity is a model for how public/private partnership is expected to work; because of this partnership, the Parks and Recreation Department will be the recipient of a state of the art golfing facility with clubhouse, driving range, teaching areas and several golfing holes, in addition to a capital investment in excess of \$400,000.00 and maintenance provided by The Scott Robertson Memorial Fund; The Scott Robertson Memorial Fund realizes the goal of being able to provide instruction, and introduce the game of golf to all youth in the community at little or no cost to each participant; and this project also utilizes a park site with limited development opportunities and transforms a brown-field into a renewable community resource.

Mr. Hudson offered the following resolution:

(#35885-052002) A RESOLUTION finding that the proposed use of a portion of East Gate Park by a private entity for a golf facility, subject to certain terms and conditions which encourage young people to learn how to play golf, is substantially in accord with Vision 2001-2020, the City's adopted Comprehensive Plan.

(For full text of resolution, see Resolution Book No. 65, page122.)

Mr. Hudson moved the adoption of Resolution No. 35885-052002. The motion was seconded by Mr. White.

The Mayor inquired if there were persons in attendance who would like to address the matter. There being none, Resolution No. 35885-052002 was adopted by the following vote:

AYES: Council Members Wyatt, White, Hudson, Bestpitch and Mayor Smith---5.

NAYS: None-----0.

(Council Member Harris was absent.)(Vice-Mayor Carder abstained from voting inasmuch as he serves as a member of The Scott Robertson Memorial Fund Committee.)

The Mayor advised that the City Manager has requested that the bid of The Scott Robertson Memorial Fund be referred to the City Manager for study, report and recommendation to Council; therefore, without objection by Council, it was so ordered.

The Mayor declared the public hearing closed.

ZONING: Pursuant to Resolution No. No. 25523 adopted by the Council of the City of Roanoke on Monday, April 6, 1981 , the City Clerk having advertised a public hearing for Monday, May 20, 2002, at 7:00 p.m., or as soon thereafter as the matter may be heard, on the request of Cape Town, L.C., and Steven W. Morris that two tracts of land located on the southwest side of Roberts Road, S. W., identified as Official Tax Nos. 1290212 and 1290211, be rezoned from RS-3, Residential Single Family District, to C-1, Office District, subject to certain conditions proffered by the petitioners, the matter was before the body.

Legal advertisement of the public hearing was published in The Roanoke Times on Saturday, May 4, 2002 and Saturday, May 11, 2002.

A report of the City Planning Commission recommending that Council deny the rezoning request and advising that issues considered by the Planning Commission included the transitional nature of the properties, impact of adjacent commercial development, availability of other commercially zoned properties, and objection by neighborhood residents, was before Council.

Mr. Carder offered the following ordinance:

"AN ORDINANCE to amend §36.1-3 Code of the City of Roanoke (1979), as amended and Sheet No. 129, Sectional 1976 Zone Map, City of Roanoke, to rezone certain property within the City subject to certain conditions proffered by the applicant; and dispensing with the second reading of this ordinance."

Mr. Carder moved the adoption of the ordinance. The motion was seconded by Ms. Wyatt.

Daniel F. Layman, Jr., Attorney, representing the petitioner, addressed Council in support of the request of his client. He stated that his client has proffered the condition that the brick home on the larger of the two lots will remain substantially as it appears today, even if rezoned, and the other lot is so small that it cannot be developed by itself, therefore, the proffer essentially means that the homes will remain in their present form until there is further petition to Council. He added that the two lots have been so profoundly affected by their surroundings that they are no longer viable as residential properties. He advised that across Roberts Road is the former Moore's Franklin Road location, now owned by Carilion and operated as a kitchen and laundry facility for the entire hospital system, which is a 24 hour per day/seven day a week operation; if one stands on the front porch of the brick home on the larger of the two lots and looks across the Carilion property, one would see the fronts of those buildings, the access drive from Roberts Road into the facility, the upper portion of the parking lot, and there is continuous activity in the area around the clock, seven days a week. He stated that the two homes in question serve as a buffer area for the remainder of the neighborhood. He noted that the City Planning Commission, by a 3 - 3 vote, did not recommend the rezoning to Council and two of the three Planning Commissioners who voted against the rezoning stated the position that Franklin Road frontage should not incur further commercial rezoning. He referred to streets in the Beechwood Subdivision that have already been rezoned to C-1, Office District, therefore, the request of his client does not set a precedent, but more importantly when one looks at the size of the Carilion facility, the vast majority of which is hundreds of feet off of Franklin Road, commercial encroachment already exists. He stated that Mr. Charles Helms, property owner in the area, has argued against the rezoning on the basis that enough has already been done to the neighborhood; however, that argument disregards the fact that what has already been done to the neighborhood affects the two lots in question more than any other lot because they act as a buffer for Mr. Helms' adjoining property and for other lots in the neighborhood. He presented letters from four of the six property owners closest to the property requested to be rezoned which either do not object to, or support the rezoning application, and these property owners recognize that the lots in question as office uses will be more effective buffers for the neighborhood than as residential uses, and such properties are serving as buffers all over the City between intensive C-2 uses and residential uses.

The Mayor inquired if there were persons present who would like to address Council in connection with the request for rezoning.

Mr. Charles B. Helms, 2954 Roberts Road, S. W., advised that he has lived at his residence for 44 years and owns four houses in the area. He called attention to disruptions in the neighborhood in years past as a result of operations by Cycle Systems, Franklin Heights Apartments which were later razed, the Carilion facility, undesirable activity in and around the facility, a gay and lesbian bar on Franklin Road, a used car lot, and General Imports. He advised that the two houses in question should remain as rental property because of the lack of good rental property close to the downtown area, and requested that Council deny the petition for rezoning.

Ms. Maggie Snyder, 2930 Roberts Road, S. W., advised that she lives directly across from the Carilion facility and she has been disturbed during the early morning hours by loud noise, music, and flashing lights. She stated that traffic has increased since Carilion opened its facility, and she plans to move from the area to escape undesirable living conditions.

Mr. John Hall, 558 Dillard Road, S. W., property owner in the area, advised that the petitioner has improved the two houses, and inasmuch as the Carilion facility is already located in the area, the requested rezoning would not be detrimental to the neighborhood. Therefore, he spoke in support of the request for rezoning.

Vice-Mayor Carder advised that the request before Council is a classic example of encroachment into the neighborhood; therefore, he could not support the request for rezoning.

Mr. Bestpitch advised that as a general rule for these types of rezoning requests, two basic questions need to be answered; i.e.: does the City need more of this particular type of zoning in this area, and if the answer is yes, the second question becomes, is the property a good candidate for rezoning to C-1. He explained that there is currently a large area of C-1 zoned property next to this neighborhood that is essentially undeveloped at this point, but more significantly, there is a considerable amount of C-1 property in the area and in most areas of the City that is currently vacant; therefore, it appears that if Council, as a governmental body, continues to rezone additional property to C-1, it is artificially interfering in the free market system that would otherwise regulate the supply and demand for C-1 property. He stated that if the rezoning is approved, the City will be adding to the surplus which can only further depress the rental that C-1 property owners receive which, in turn, depresses the value of the property since appraisal of this type of property is based primarily on the type of rental income it can generate.

Mr. White advised that from a practical point of view, rezoning of the Carilion property impacted the residential use of the two parcels of land in question. He stated that Council has a responsibility to resolve the matter, and inasmuch as the request was defeated by a 3 - 3 vote of the City Planning Commission, it would be appropriate to refer the matter back to the Planning Commission to work with the petitioner and the neighborhood on the highest and best use of the property.

Mr. White offered a substitute motion that the matter be referred back to the City Planning Commission for further study, report and recommendation to Council. The motion was seconded by Ms. Wyatt and adopted.

The Mayor declared the public hearing closed.

ZONING-ROANOKE CIVIC CENTER: Pursuant to provisions of Resolution No. 25523 adopted by the Council of the City of Roanoke on Monday, April 6, 1981, the City Clerk having advertised a public hearing for Monday May 20, 2002, at 7:00 p.m., or as soon thereafter as the matter may be heard, on the request of the City of Roanoke, Calvin W. and Mary C. Powers, and Theodore J. and Judy P. Sutton, that a tract of land lying generally west of Courtland Avenue, N. W., north of Orange Avenue and south of Sycamore Avenue, comprised of approximately 24.5 acres, more or less, and designated as Official Tax Nos. 3070301-3070310, inclusive, 3070313-3070316, inclusive, 2041816 and 2041817, currently zoned LM, Light Manufacturing District; and Official Tax Nos. 3070501, 3070318 and 3070319, currently zoned C-2, General Commercial District, be rezoned to C-3, Central Business District, the matter was before the body.

A report of the City Planning Commission recommending approval of the request for rezoning, was before Council. The Planning Commission advised that development of the property for a stadium/amphitheater will encourage economic development of the area, provide a regional entertainment attraction near downtown, redevelop an underutilized area, and incorporate shared parking; and development of the site will also create a better linkage between downtown Roanoke and the Williamson Road area and support an "entertainment complex approach by grouping with the existing Civic Center".

Mr. Carder offered the following ordinance:

(#35886-052002) AN ORDINANCE to amend §36.1-3, Code of the City of Roanoke (1979), as amended, and Sheet Nos. 204 and 307, Sectional 1976 Zone Map, City of Roanoke, to rezone certain property within the City; and dispensing with the second reading of this ordinance.

(For full text Ordinance, see Ordinance Book No. 65, page 124.)

Mr. Carder moved the adoption of Ordinance No. 35886-052002. The motion was seconded by Mr. Bestpitch.

The City Manager advised that staff was to present a briefing; whereupon, James M. Evans, Director, Roanoke Civic Center Facilities, advised that after several years of study and review of multiple locations, 18 different sites were considered for the stadium/amphitheater complex and the location presently before Council at Orange Avenue was considered to be the most appropriate site for a multi-purpose facility for a number of reasons, i.e.: the property is centrally located, the property joins with the Roanoke Civic Center to make a sports and entertainment complex, the property has the ability to be more accessible than any of the other sites that were studied, and the site provides an opportunity to provide sufficient parking for stadium events and to share parking for large events within the two facilities. He added that the area consists of approximately 25 acres, most of which is currently owned by the City.

Charles M. Anderson, Architect, II advised that the stadium/amphitheater project is bounded by Carver Avenue on the south, Courtland Avenue on the east, the City's Public Works Service Center on the north, and I-581 on the west, and encompasses approximately 25 acres of land, most of which is owned by the City of Roanoke. He stated that the project will consist of two elements, the first being a stadium which will provide seating for approximately 8,000 persons, the amphitheater is the second element and will be designed as a permanent facility that will consist of concessions and restroom facilities designed for 12,000 persons, however, the amphitheater will have the capability to seat as many as 16,000 - 18,000 persons. He reviewed a plan for on site parking which will be in the range of 700 - 1000 vehicles and as a part of the project, the City has retained an architectural/engineering consultant to design the work for the facility, and subconsultants will prepare food service designs, acoustics, operation of the amphitheater portion of the facility, engineering, signage, graphics, etc. He stated that as a part of the study, the consultant will provide the City with a traffic study, looking at not only the impact of traffic in and around the stadium, but the study will extend from Elm Avenue, I-581 at the south to Hershberger Road, I-581 to the north as far east as the Gus Nicks/Orange Avenue intersection and to the west at 13th Street and Orange Avenue. He explained that the traffic study includes approximately 37 intersections and is intended to accomplish two major goals; i.e.: to identify a true traffic management plan that will address the movement of traffic in and around both the Civic Center and the stadium/amphitheater functions, both at the Civic Center as well as at the stadium during a normal function that may have 5000 - 6000 persons in attendance, as it relates to the impact of additional traffic on those intersections around the stadium and the civic center, and to also look at those unusual events where there may be as many as 15,000 persons at a single event. Over the short term, he advised that the City will receive a management plan that utilizes traffic cones and uniformed police officers to direct traffic in and about the area during a performance. He stated that the second component of the project

relates to long term infrastructure improvements and costs which is a two phase approach, with short term information relative to the management plan anticipated to be received in mid July and infrastructure improvements information to be received in late August.

Mr. Bestpitch inquired if acoustics involving noise from I-581 traffic that could interfere with certain types of concerts, etc., will be taken into consideration; whereupon, Mr. Anderson advised that the study involves both noise to and from the site.

Ms. Wyatt inquired if the traffic study surrounding and impacting the area will be completed before the design of the stadium is undertaken; whereupon, Mr. Anderson advised that the intent is to have the short term management plan completed by mid July; long range infrastructure improvements will be built into future plans in terms of funding; and infrastructure improvements will not be completed before the stadium is constructed. He explained that a traffic management plan will be developed that reviews present infrastructure, identifies problem areas, and by using variable messaging boards, persons coming into the facility will be able to identify available parking areas, and uniformed police officers will be used to direct traffic, both in and out of the site, all of which are proposed to be used to manage traffic flow.

Ms. Wyatt stated that it is imperative that the traffic problem be solved before the stadium/amphitheater is constructed, and she will not support any plan for construction until traffic issues are addressed.

The City Manager advised that the City would be foolish to design and build a facility if it did not have a design in place to address traffic. She stated that the difference is in semantics, i.e.: the City will have a traffic management plan that will allow for good ingress and egress from the site, although the plan may not involve the construction of new infrastructure and may consist of managing existing infrastructure. For example, she advised that the plan may suggest variable signs over the roadway with two lanes of left turn traffic off of Orange Avenue onto Williamson Road at certain times of the day, as opposed to one left turn lane and one straight lane. She explained that if the traffic plan calls for two additional lanes over the long term which would take longer to design and construct than opening the facility, a plan will be in place that will manage traffic into and out of the facility before the final design is completed and clearly before the project is constructed.

Ms. Wyatt spoke in support of a plan that will create a quick and easy ingress and egress out of both facilities that will not negatively impact the Williamson Road area and surrounding areas. She requested a plan that will demonstrate that the City administration has addressed traffic flow for those persons attending events and for those persons living in the neighborhoods. Minus that, she advised that she could not vote in favor of the proposed construction.

Mr. White raised a question with regard to intersection studies; whereupon, Mr. Anderson advised that the consulting team met with City staff and discussed where intersection studies should occur and there was a concern that the study go beyond 10th Street and Orange Avenue to ensure that the adjacent residential area is included, and 10th Street is a part of the traffic study.

Mr. Hudson expressed concern that rezoning of the property is occurring before the traffic study is completed. He inquired as to the impact on surrounding businesses related to overflow parking for the facility. He called attention to a 4 - 3 vote by the City Planning Commission, which body raised the same questions that have been raised by Council Members with regard to traffic issues. He stated that he was not opposed to the project, but it appears that the City is, "placing the cart before the horse", and Council would never consider approving a rezoning for a private developer without receiving answers to these types of questions, yet, because it is a City project, it appears that favoritism is being shown by the City. He advised that the traffic study is one of the most important components of the project.

Mr. Anderson advised that when the City retained the design consultant for the facility, the contract included the traffic study. He stated that the traffic study has been expedited and the initial piece of the management plan will be received by mid July and infrastructure improvements recommendations are due at the end of August. He further stated that the consulting team has been running traffic counts at the two affected intersections, data will be loaded into a computer program, along with information relative to performances at the civic center and anticipated performances at the stadium/amphitheater, with base line data reviewing rush or non-rush hour traffic and how these events will impact traffic, and from that analysis, the consultant will make recommendations relative to a traffic management plan and infrastructure improvements. In regard to parking issues, he explained that the Civic Center wishes to link the two facilities via a bridge that would cross over Orange Avenue and provide an opportunity to utilize parking at the Civic Center that would help to support events at the stadium/amphitheater and vice versa. He noted that there are approximately 1800 spaces at the Civic Center, 800 - 1000 spaces are anticipated at the new stadium/amphitheater site and there is an agreement to park 400 - 500 vehicles at Civic Mall. He added that design of the facility is proposed to be coupled with the traffic study since one component cannot get in front of the other because there is a need to know how the facility lays on the site, the location of main entrances for vehicle ingress and egress, and location of ingress and egress for service vehicles.

The Mayor inquired if there were persons in attendance who would like to speak to the matter.

Wendy Jones, President, Williamson Road Area Business Association, (WRABA), advised that WRABA is supportive of locating the stadium/amphitheater in the Williamson Road area to revitalize businesses, especially at the lower end of

Williamson Road; however, they want to ensure that the area can handle the additional traffic and parking that will be generated. She encouraged the City to address the issue in a proactive manner and "not place the cart before the horse". She advised that the Williamson Road Area Business Association would like to work with the City to see the project come to fruition, but they would like for the stadium/amphitheater to be designed in such a way so as to accommodate businesses and residents of the area, as well as patrons of the two facilities.

Daniel F. Layman, Jr., Attorney, representing Farrell Properties and Bergland Automotive, advised that for 25 years he has represented petitioners with rezoning requests before the Council, and he would never ask Council to act on a rezoning petition without the appropriate study to address issues of concern. As it relates to the stadium/amphitheater project, he stated that the City is using different and much less stringent standards than it would require of any of its citizens. Secondly, he stated that the zoning process is carefully defined by statute/ordinance to ensure that all major issues are addressed at the staff level, at the City Planning Commission level, and at the City Council level for public hearing and public discussion and that solutions are identified and become part of the proposal. He noted that if a surrounding property owner is aggrieved by the ultimate decision of Council, there is a process for appeal to the Circuit Court so that an impartial judge can decide if the City acted properly. He stated that the City's answer to the request for delaying the proceeding is that there will be public hearings at which time citizens will be heard, and the City Planning Commission will review plans once the traffic study is completed; however, he explained that there is no right of appeal from that process. He added that the appeal right is from the Council process and once the rezoning is approved, there is no opportunity for a court to become involved and a citizen can only express an opinion at one of the public hearings. He stated that his clients are not opposed to the stadium/amphitheater project, but they are opposed to the rezoning at this time based on the above stated facts; therefore, he requested that Council refer the matter back to the City Planning Commission for further public hearings and to conform with the process that is required by the City of Roanoke regarding requests for rezoning.

Ben Burch, President, Airlee Court Neighborhood Association, 923 Curtis Avenue, N. E., advised that he was proud to live in the City of Roanoke and to observe City leaders as they take care of business.

Ms. Evelyn D. Bethel, 35 Patton Avenue, N. E., advised that the City has placed the "cart before the horse". She spoke on behalf of those residents and citizens who have little voice and advised that there were no public hearings for residents who live in the area to provide comments. She spoke with regard to possible encroachment into the historical graveyard; additional traffic lanes being added to I-581, both north and south; encroachment into the neighborhoods, specifically Lincoln Terrace where over \$20 million have been expended in rehabilitating housing; encroachment of light and noise from the stadium/amphitheater and the

effect on the surrounding neighborhood; and environmental issues as to whether the ground is suitable for constructing and/or sustaining a stadium/amphitheater. She stated that there are questions that should be considered and answered in the proper documents before consideration is given to the rezoning. She added that citizens have very little way to provide input once a decision is made, therefore, important decisions like traffic problems and business concerns should not be taken lightly, but more importantly, the average citizen needs to be given consideration.

Mr. Bill Tanger, 257 Dancing Tree Lane, Roanoke County, advised that traffic on I-581 this evening at the end of the work day was backed up into the intersection which was a reminder of civic center traffic that sometimes backs up I-581, and with each event, the probability that there will be a serious accident on I-581, or one of the other streets that makes up the local gridlock situation increases. He encouraged Council to table its vote on rezoning of the property until the traffic plan is developed. He stated that the City of Roanoke requires and the intent of the zoning ordinance calls for traffic and parking plans to be developed prior to presenting projects for rezoning, and with a vote of 4 - 3 by the City Planning Commission, there is good reason to refer the matter back to the Planning Commission for further study. He added that a deferral of approximately two months will not delay plans for the project, but will allow citizens from the neighborhoods to provide their input, all of which will result in a better facility. He stated that voting on the rezoning is untimely, and the rezoning should occur in the proper sequence so that Council will not be criticized if the project results in a disaster for traffic, for citizens and for businesses in the area.

The City Manager advised that the problems that currently exist at the intersection of Orange Avenue and Williamson Road did not arise since the decision of Council to construct the stadium/amphitheater at that location, but instead those problems have existed for a long period of time. She stated that the stadium/amphitheater project provides the impetus for the City to deal with a traffic situation that has existed for some time and there are measures that could be taken that would start to better manage the traffic flow and could reduce the line of vehicles going into and out of the civic center. She added that managing what the City has is a different technique and one that has not always been used, without necessarily having to construct new roads or widen roads in the traditional way that traffic has been addressed in the past. Therefore, she advised that those problems that exist today that have gone unaddressed in the past, will be addressed through the traffic study.

Vice-Mayor Carder requested that the City Manager comment on the statement made by a previous speaker that the City is treating itself different from private business developers on rezoning issues; whereupon, the City Manager advised that it has been determined that there is no requirement in the City Code or the zoning ordinance for development of a traffic plan or study. She explained that at the time a rezoning request comes to the City, it is reviewed by a number of City departments,

additional information may be requested and the information is helpful in determining the recommendation. She stated that the last time the City made a formal request for a traffic plan was when the Super Wal-Mart was to be constructed on Valley View Boulevard; however, it should be noted that the traffic impacts of a Super Wal-Mart are different than those for a stadium/amphitheater project. She advised that as the entity responsible for infrastructure, the City of Roanoke will hear from citizens who are satisfied or dissatisfied; and there are numerous examples where the City did not impose requirements on others in the past, particularly the private sector, and the City has had to take responsibility for certain improvements. She stated that a community-wide forum will be held in June to share ideas about the stadium/amphitheater project.

Mr. Hudson moved that action on Ordinance No. 35886-052002 be tabled.

The motion failed for lack of a second.

Mr. Bestpitch advised that a civic center cannot be constructed anywhere in the City, or anywhere in the world without traffic issues that need to be addressed. He stated that it is difficult to understand why anyone would assume that Council is not completely committed to doing everything possible through the study process and through every other available method to mitigate the traffic problem as much as possible, and to provide for improvements that will benefit not just ingress and egress to the stadium/amphitheater facility, but improve traffic flow throughout the area 24 hours a day, 365 days a year. He added that the only action being taken by Council at this time is rezoning of the property to provide for a location for construction of the stadium/amphitheater.

Mr. Bestpitch called for the question.

Ordinance No. 35886-052002 was lost by the following vote:

AYES: Council Members Wyatt, White, Carder and Bestpitch-----4.

NAYS: None-----0.

PRESENT: Council Member Hudson and Mayor Smith-----2.

(Council Member Harris was absent.)

The Mayor declared the public hearing closed.

Vice-Mayor Carder raised a point of order; whereupon, he moved to amend Ordinance No. 35886-052002 to delete the following words: "and dispensing with the second reading of this ordinance by title." The motion was seconded by Mr. White.

The Mayor again ruled that the public hearing was closed.

Ms. Wyatt challenged the ruling of the Chair based on the fact that the Mayor closed the public hearing before the Vice-Mayor was allowed to complete his comments.

The City Attorney was called upon for a ruling; whereupon, he advised that five members of Council may alter or suspend the rules of Council. He stated that the challenge to the ruling of the Chair is addressed by Roberts Rules of Order; whereupon, the Mayor declared the meeting in recess to provide time for the City Attorney to research Roberts Rules of Order.

The Council meeting reconvened at 9:12 p.m., with all Members of the Council in attendance, including Council Member Harris, Mayor Smith presiding.

The Mayor advised that pursuant to Roberts Rules of Order, there is a process for over ruling the Chair, which provides that if a motion is made, duly seconded and adopted by a majority vote of the Council, the decision of the Chair may be over ruled.

Ms. Wyatt respectfully challenged the ruling of the Chair. The motion was seconded by Mr. Bestpitch and adopted by the following vote:

AYES: Council Members Wyatt, White, Carder, Bestpitch, Harris and Mayor Smith-----6.

NAYS: Council Member Hudson-----1.

The Mayor reopened the public hearing.

The City Attorney advised that the ordinance as drafted did not pass inasmuch as five affirmative votes of the Council are required for passage; however, Council may move to reconsider the ordinance.

Mr. Bestpitch moved that Council reconsider the vote on Ordinance No. 35886-052002. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members Wyatt, White, Hudson, Carder, Bestpitch, Harris and Mayor Smith-----7.

NAYS: None-----0.

Mr. Bestpitch offered the following ordinance:

(#35886-052002) AN ORDINANCE to amend §36.1-3, Code of the City of Roanoke (1979), as amended, and Sheet Nos. 204 and 307, Sectional 1976 Zone Map, City of Roanoke, to rezone certain property within the City; and dispensing with the second reading of this ordinance.

(For full text of Ordinance, see Book No 65, page 124.)

Mr. Bestpitch moved the adoption of Ordinance No. 35886-052002. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members Wyatt, White, Hudson, Carder, Bestpitch, Harris and Mayor Smith-----7.

NAYS: None-----0.

Mayor Smith and Council Member Hudson advised that they voted in favor of the rezoning; however, there are numerous unanswered questions that should be addressed before proceeding with the stadium/amphitheater project.

The Mayor declared the public hearing closed.

LEASES-PARKS AND RECREATION: Pursuant to previous instructions by Council, the City Clerk having advertised a public hearing for Monday, May 20, 2002, at 7:00 p.m., or as soon thereafter as the matter may be heard, on a proposal of the City of Roanoke to lease an 8.5 acre, more or less, parcel of land located on top of Mill Mountain, as described in Exhibit A to a Lease and Agreement dated January 1, 2002, to the Blue Ridge Zoological Society of Virginia, Inc., for a period of five years, ending December 31, 2006, the matter was before the body.

Legal advertisement of the public hearing was published in The Roanoke Times on Sunday, May 12, 2002.

A communication from the City Manager advising that the Blue Ridge Zoological Society of Virginia, Inc., (BRZSV), formerly know as Mill Mountain Zoo, Inc., was created in 1976 by the Roanoke Jaycees, Inc., to take over operation of the Zoo; and the original lease of the property for zoo purposes to Mill Mountain Zoo, Inc., was authorized on September 7, 1976, was before Council.

It was further advised that the current five-year lease with Blue Ridge Zoological Society of Virginia was authorized by Ordinance No. 33231-012197, and expired on December 31, 2001; BRZSV has requested that the revised lease be continued for a term of five years, ending December 31, 2006; the lease will provide for termination at any time with 60 days written notice by either party and a total lease area of approximately 8.5 acres, which includes an additional 2.9 acres to complete the Mill Mountain Zoo's Master Plan; and rental rate of \$10.00/yr is

contingent upon the Mill Mountain Zoo continuing full accreditation from the American Zoo and Aquarium Association.

The City Manager recommended, following the public hearing, that Council authorize execution of a Lease Agreement with Blue Ridge Zoological Society of Virginia Inc., for land occupied by the Zoo for a term of five years, ending December 31, 2006, in a form to be approved by the City Attorney.

Mr. Carder offered the following ordinance:

(#35887-052002) AN ORDINANCE authorizing the lease of certain City-owned property to the Blue Ridge Zoological Society of Virginia, Inc., upon certain terms and conditions; and dispensing with the second reading of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 65, page 125.)

Mr. Carder moved the adoption of Ordinance No. 35887-052002. The motion was seconded by Ms. Wyatt.

The Mayor inquired if there were persons in attendance who would like to address the matter. There being none, Ordinance No. 35887-052002 was adopted by the following vote:

AYES: Council Members Wyatt, White, Hudson, Carder, Bestpitch, Harris and Mayor Smith-----7.

NAYS: None-----0.

The Mayor declared the public hearing closed.

INTRODUCTION AND CONSIDERATION OF ORDINANCES AND RESOLUTIONS:

CITY CODE-BUDGET-TAXES-ROANOKE CIVIC CENTER: Ordinance No. 35850 amending Section 32-217, Levied rate, Article IX, Admissions tax, Chapter 32, Taxation, Code of the City of Roanoke (1979), as amended, to increase the admissions tax on the stated admission charge to any place of amusement or entertainment from 5 per cent to 6.5 per cent, effective July 1, 2002, having previously been before the Council for its first reading on Monday, May 13, 2002, and adopted on its first reading and laid over, was again before the body.

Mr. Carder moved that the following language be added to the title paragraph of the above referenced ordinance: "and dispensing with the second reading of this ordinance." The motion was seconded by Mr. Harris and adopted.

Mr. Carder offered the following ordinance, as amended:

(#35850-052002) AN ORDINANCE amending §32-217, Levied rate, of Article IX, Admissions tax, of Chapter 32, Taxation, of the Code of the City of Roanoke (1979), as amended, in order to increase the admissions tax on the stated admission charge to any place of amusement or entertainment from five percent to six and one-half percent; dispensing with the second reading of this ordinance; and providing for an effective date.

(For full text of Ordinance, see Ordinance Book No. 65, page 44.)

Mr. Bestpitch moved the adoption of Ordinance No. 35850-052002, as amended. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members Wyatt, White, Carder, Bestpitch, and Harris-----5.

NAYS: Council Member Hudson and Mayor Smith-----2.

ZONING-BUDGET-SUBDIVISIONS-FEE COMPENDIUM: Ordinance No. 35851 amending certain fees and charges, establishing certain new fees and charges with regard to subdivision and zoning fees, and amending the Fee Compendium, effective July 1, 2002, having previously been before the Council for its first reading on Monday, May 13, 2002, read and adopted on its first reading and laid over, was again before the body.

Mr. Carder moved that the following language be added to the title paragraph of the above referenced ordinance: "and dispensing with the second reading of this ordinance." The motion was seconded by Mr. Harris and adopted.

Mr. Carder offered the following ordinance, as amended.

(#35851-052002) AN ORDINANCE amending certain fees and charges, establishing certain new fees and charges with regard to subdivision and zoning fees, and amending the Fee Compendium, dispensing with the second reading of this ordinance and providing for an effective date.

(For full text of Ordinance, see Ordinance Book No. 65, page 45.)

Mr. Carder moved the adoption of Ordinance No. 35857-052002, as amended. The motion was seconded by Mr. Bestpitch and adopted by the following vote:

AYES: Council Members Wyatt, White, Carder, Bestpitch, and Harris-----5.

NAYS: Council Member Hudson and Mayor Smith-----2.

HEARING OF CITIZENS UPON PUBLIC MATTERS: The Mayor advised that Council sets this time as a priority for citizens to be heard; it is also a time for informal dialogue between Council Members and citizens; and matters requiring referral to the City Manager will be referred immediately for any necessary and appropriate response, recommendation or report to Council.

POLICE DEPARTMENT-COMPLAINTS: Ms. Josephine Rouse, 3038 Melrose Avenue, N. W., addressed Council in connection with the closing of the police satellite station on Lafayette Boulevard, N. W., which building was leased for \$1.00 by Ms. Vernice Law to the City of Roanoke Police Department. She expressed concern for not only the neighborhood, but for the children because the credibility of the Police Department has long been an issue. She stated that the Police Department abandoned the community and did not tell the truth about the condition of the building; and after the Police Department closed the substation, drug dealers came back to the area. She asked that the issue be resolved in such a way that the community will understand that Council cares about the children and that the City's Police Department can be trusted.

POLICE DEPARTMENT-COMPLAINTS: Ms. Vernice Law, 1509 Lafayette Boulevard, N. W., owner of the building that housed the police satellite station on Lafayette Boulevard, advised that her family's integrity is at stake, because they have never allowed their property to deteriorate as was reported in a recent newspaper article. She stated that residents of the area requested help and the building was offered as a potential site for a police substation because it provided an opportunity to have police in the neighborhood. She stated that residents had great hopes that the substation would make a difference and it did for a short time; however, it was discovered that the building was never staffed from day one, although the police substation on Williamson Road is staffed. She noted that following numerous complaints, "dummy" cars were placed at the substation on Lafayette Boulevard, a police vehicle was placed in front of her residence where it remained for 14 days without being moved and another car was placed on Florida Avenue, also unmoved, for ten days. She called attention to repeated complaints by residents of the area that the station was not staffed, meetings were held with Council members, City staff and the Chief of Police and questions were raised on how to solve the problems, as well as neighborhood concerns. She stated that the condition of the building has not deteriorated as was stated by City staff; however, her main concern is not about the building, but about the fact that the Police Department has not given proper service to the community.

COMPLAINTS -HOUSING/AUTHORITY: Ms. Evelyn D. Bethel, 35 Patton Avenue, N. E., advised that it has been stated that it is not whether one wins or loses, but how one plays the game; and it has also been stated that one should avoid the appearance of doing anything wrong; however, this evening, Council has shown citizens throughout the Roanoke Valley that it does not matter as long as one gets what one wants. She expressed concern with regard to earlier actions when the

meeting was recessed in order to research Roberts Rules of Order and when the Council meeting reconvened, all seven Council members were in attendance and voting to avoid a second reading of the ordinance rezoning the property on Orange Avenue.

She also spoke on behalf of those persons who do not have a strong voice, but have requested screen doors on housing units at the Lincoln Terrace housing development for safety reasons, and expressed concern over the hesitation and/or refusal of the Roanoke Redevelopment and Housing Authority to provide screen doors for both front and back of Lincoln Terrace housing units.

There being no further business, the Mayor declared the meeting adjourned at 9:40 p.m.

A P P R O V E D

ATTEST:

City Clerk

Mayor
